

UNITED STATES BANKRUPTCY COURT

FOR THE

**EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

In the Matter of:

MELLISA A GYLLAND

Debtor

Chapter 13

Case No. 14-12981-BFK

MOTION TO DISMISS,
NOTICE OF MOTION TO DISMISS
AND
NOTICE OF SCHEDULED HEARING ON THIS MOTION

Thomas P. Gorman, Chapter 13 Trustee, has filed this motion to dismiss your Chapter 13 case. The cause for this motion is as follows:

Violation of 11 U.S.C. §521(3) – Failure to Cooperate with the Chapter 13 Trustee

As set forth in Trustee's Objection to Confirmation of Debtor's August 29, 2014 Plan, Debtor states on Line 13 of her Schedule I that she expects a diminution in her income given that she is currently on administrative leave from her employment.

When Trustee questioned Debtor at her September 16, 2014 Meeting of Creditors regarding the status of her administrative leave and how it might affect her income, Debtor would not provide a clear answer, but stated that she received a series of memoranda from her employer regarding her administrative leave and both Debtor and her counsel represented that such documents would be provided to Trustee. Accordingly, Trustee adjourned Debtor's §341 Meeting to September 30, 2014 in order for Debtor to provide Trustee with documentation regarding the status of her administrative leave. Subsequently, Debtor's counsel informed Trustee that Debtor refuses to provide Trustee with information relating to her current employment, and extracting such information from the Debtor would essentially require a Court Order (see attached Exhibit A). Debtor also testified at her September 30, 2014 adjourned Meeting of Creditors that she would not provide the memoranda from her employer and that she would no longer answer any further questions Trustee may have regarding her administrative leave.

Notice and Motion to Dismiss

Mellisa A Gylland, Case #14-12981-BFK

Debtor's refusal to provide Trustee with information pertaining to her employment status prohibits Trustee from performing his duties under the Bankruptcy Code. Debtor's refusal to cooperate with Trustee and enable him to verify her income is evidence of Debtor's lack of candor and good faith in proceeding in her Chapter 13 case. Debtor's duties in her bankruptcy case are clearly defined under §521 of the Code, and Trustee should not have to resort to the resources of the Court just to obtain the most basic information pertaining to the status of Debtor's employment and verification of her current monthly income.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not wish the court to grant the relief sought in the motion, or if you want the court to consider your views on the motion, then on or before five business days prior to the hearing date, you or your attorney must:

File with the court a written response with supporting memorandum as required by Local Bankruptcy Rule 9013-1(H). Unless a written response and supporting memorandum are filed and served by the date specified, the Court may deem any opposition waived, treat the motion as conceded, and issue an order granting the requested relief without further notice or hearing. If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before five business days prior to the scheduled hearing. You must mail a copy to the persons listed below.

Attend the hearing to be held on October 30, 2014 at 1:30 p.m. in Courtroom #3 on the 3rd floor, United States Bankruptcy Court, 200 South Washington Street, Alexandria, VA 22314. If no timely response has been filed opposing the relief requested, the court may grant the relief without holding a hearing.

A copy of any written response must be mailed to the following persons:

Thomas P. Gorman
300 North Washington Street, Ste. 400
Alexandria, VA 22314

Clerk of the Court
United States Bankruptcy Court
200 South Washington Street
Alexandria, VA 22314

Notice and Motion to Dismiss

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If you or your attorney do not take steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Date: __October 6, 2014__

____/s/ Thomas P. Gorman_____

Thomas P. Gorman

Chapter 13 Trustee

300 N. Washington Street, #400

Alexandria, VA 22314

(703) 836-2226

VSB 26421

CERTIFICATE OF SERVICE

I hereby certify that I have this 6th day of October, 2014, served via ECF to authorized users or mailed a true copy of the foregoing Motion to Dismiss, Notice of Motion and Notice of Hearing to the following parties.

Mellisa A Gylland
Chapter 13 Debtor
15 Butternut Way
Sterling, VA 20164

Robert Weed, Esq.
Attorney for Debtor
45575 Shepard Drive, #201
Sterling, VA 20164

____/s/ Thomas P. Gorman_____
Thomas P. Gorman

Thomas P. Gorman

From: robertrossweed@gmail.com on behalf of Bob Weed <robertweed@robertweed.com>
Sent: Tuesday, September 30, 2014 9:29 AM
To: Thomas P. Gorman
Subject: Mellissa Gyland

Melissa does not want to provide copies of her employer/employee file; let us know if you want to bring that in front of the Judge.

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